



DEC 21 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Lisa A. Haile
Gary Cary Ware & Freidenrich
43655 Executive Drive, Suite 1600
San Diego, CA 92121-2189

#3

In re Application of
Lam and Mathur
Application No.: 09/959,641
PCT No.: PCT/US97/08793
Int. Filing Date: 22 May 1997
Priority Date: 22 May 1996
Attorney's Docket No.: 09010/007WO1
For: ENDOGLUCANASES

:
:
: DECISION ON
:
:
: PETITION UNDER
:
:
: 37 CFR 1.137(b)

This is in response to "Petition to Revive Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 C.F.R. §1.137(b)" filed on 18 April 2001.

BACKGROUND

On 22 May 1997, this international application was filed, which claimed an earliest priority date of 22 May 1996.

A Demand was filed on 19 December 1997 for the above international application. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 22 November 1998. This international application became abandoned with respect to the United States at midnight on 22 November 1998 for failure pay the basic national fee.

On 18 April 2001, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition, and a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the U.S. basic national fee. No executed oath or declaration accompanied the above papers.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.


Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.



Rafael Bacares
PCT Legal Examiner
RCT Legal Office
Tel: (703) 308-6312
Fax: (703) 308-6459
